No. 279

The Christian News-Letter

Edited by KATHLEEN BLISS

5th February, 1947

LAST YEAR petitions were filed for the termination of 40,000 marriages by divorce. This year, according to the Lord Chancellor, the number is likely to be even greater. This indicates a high degree of instability in the fundamental relationship between men and women which forms, as it were, the basis upon which the pyramid of society is erected. The concern which is widely felt is not in the least exaggerated.

NEWS-LETTER

DIVORCE

SUPPLEMENT

THE NEWSPAPERS AND THE PUBLIC
BY
G. A. GOYDER

FIFTY THOUSAND PETITIONS FOR DIVORCE

Two factors lead to a rise in the number of divorces. One is the extension of facilities for divorce, and the other is war. Before 1857 divorce could only be obtained in this country by a private Act of Parliament and only about 300 cases were known between the Reformation and 1857. After 1857 divorce was obtainable on the sole ground of adultery and petitions could only be filed in the High Court in London. Thereafter there were about 300 divorces a year. Yet Lord Campbell, who had played a large part in bringing in the Act, wrote in his diary in January, 1859, "I have been sitting two days in the Divorce Court and, like Frankenstein, I am afraid of the monster I have called into existence." Similarly the Herbert Act of 1937, which extended the grounds of divorce to include five years' incurable insanity, three years' desertion, cruelty and several other grounds, was

followed by an unexpectedly large increase in petitions filed, the figure rising from 6,000 in 1937 to 10,000 in 1938. Whether the number of divorces would have gone on rising steadily through the '40's or whether a halt would have been called it is impossible to say, for hard on the heels of the new act came all the complicating factors of war—hasty marriages, separated couples, long absences, exposure to unusual strains and temptations. The 1914–1918 war brought a large increase in the number of divorces (3,500 in 1921 compared with 600 in 1913). The last war brought an even larger increase (40,000 petitions filed in 1946 compared with 8,000 in 1941). So great was the pressure upon the Courts during the last years of the war that the Lord Chancellor last year set up a committee under the chairmanship of Mr. Justice Denning. Within a month the committee recommended a reduction in the period between the granting of the *decree nisi* and the making absolute of a decree from six months to six weeks. A little later it recommended that divorce proceedings should be tried by County Court judges sitting as commissioners of the High Court. These recommendations were immediately put into effect.

WHAT DO THESE DIVORCE FIGURES TELL US?

It is very easy to misinterpret the meaning of divorce figures. The rapid increase in the number of divorces is understood by many people to prove, quite apart from other factors, that there has been a drastic decline in public morality. In the report of the Royal Commission on Divorce, which sat from 1909 to 1912, considerable evidence was amassed to show that among the poorer sections of the community second marriages without divorce, adultery, illegitimate births and even polygamy were comparatively common in nineteenth-century England. Medical Officers of Health came before the Commission and quoted numbers of cases known to them in which men and women whose partners were insane or had deserted them had set up homes with new partners without marriage and were rearing families.

Nor do these figures, high as they are, indicate that we have yet reached the stage in this country which had been

reached in Sweden, where there is divorce by consent, or in the United States. In this country there is no law of divorce by consent. The law is directed towards relief and redress of an injured party in marriage.

This fact is widely misunderstood. On the one hand, many people think that if their marriage does not work out satisfactorily they can agree to " get a divorce ", without realizing that to attempt to do so means collusion to pervert the course of justice. Collusion is a serious offence before the law, which, if it is discovered, leads to the certainty of not obtaining a divorce. Many hundreds of men in the forces withdrew their petitions for divorce when they discovered that divorce for the asking was not obtainable by the law of the land.

On the other hand, there is a considerable degree of misunderstanding, particularly among persons who are opposed to divorce, about what actually happens in the Courts at present. With an eye on the social evils of unrestricted divorce or on an absolute standard which they themselves have been able to achieve, many good people have at the back of their minds a hazy picture of married men and women easily and thoughtlessly casting off one partner in favour of another, and being enabled to do so by clever and well-paid barristers and judges who are indifferent to anything but the administration of the law as it stands. But men who have had long experience of the Courts see a different picture. The majority of the men and women now coming before them in this great post-war wave of divorce proceedings have suffered bitterly. Distracted men deserted by their wives and unable to afford housekeepers or expensive boarding schools want to re-marry and make a new home for their children. Stories are told in the Courts of terrible sexual cruelty, undoubtedly increased by the brutalities of war, which women have to suffer within marriage. Mercifully these stories are kept out of the press.

What the present divorce figures tell us is that there is a shocking amount of selfishness, irresponsibility and downright cruelty, causing much suffering. The law, reflecting

public opinion, says that the innocent should receive redress : that is the principle upon which at present the law operates.

WHERE DO WE GO FROM HERE ?

Nothing is more foolish than to predict from the trend of divorce statistics what their future course will be. But many people both within and outside the legal profession think that the rise in divorce figures has come to stay, and that there will be steady pressure from society in the direction of divorce by consent. It is a great pity that there is not available in this country some careful factual statement of the course which affairs have taken in Russia, where simple and easy divorce has been followed by a reaction in the direction of tightening marriage bonds. Last year new legislation provided that when a divorce petition was filed the Court must decide whether or not the granting of a divorce would be in the interests of the community as a whole. However, we scarcely need evidence from Russia to reinforce a conclusion which can be reached by rational argument. If marriages can be broken by the consent of the parties and new alliances formed, then marriage as an institution becomes trial marriage. Sooner or later society will be compelled to ask whether individuals can be allowed a degree of freedom which may imperil the good of the whole. That is inevitable in the long run and then restrictions will have to be made on the freedom of individuals. While some people think that reaction will not set in until the stability of society is gravely threatened, others are prepared to make strenuous efforts to bring about a reaction sooner, and maintain that now is the moment for attempting to reduce the number of divorces.

The evidence afforded by the popular press is interesting here. On the one hand, headlines such as " Cheaper and Quicker Divorce " and the citing of hard cases under the present law seem to indicate an acceptance of the first alternative. On the other hand, the press, reflecting public opinion, shows uneasiness on two points in the present trend of events. First, a question frequently asked is, why, when we are improving facilities for divorce, we are not also

improving facilities for reconciliation ; and secondly, public opinion is obviously deeply perturbed about the fate of the children of divorced couples. The Curtis Report has come at the most timely moment. Available resources for caring for homeless children have been overtaxed and in many cases have broken down. It is evident, too, that among the most difficult children to provide for are those from broken homes. This means that we have two sensitive points in public opinion where, if the right action were taken, there would be a ready response, not only from a Christian or ethically-minded minority, but from a much larger section of society.

CHRISTIANS AND THE PRESENT MARRIAGE SITUATION

The Royal Commission on Divorce which sat from 1909 to 1912 produced a majority report which formed the basis of the Herbert Act of 1937. The Commission took evidence running into many hundreds of paragraphs from a large number of Christian theologians and scholars and from all the main religious bodies in the country. In summarizing their evidence the Commission said :—

" It does not seem desirable that this Commission should attempt to express any definite opinion as to what are the true Christian principles applicable to this subject. Opinions of persons equally learned, equally able, equally pious and honest, equally disinterested and humane, and equally public spirited, have differed and still differ upon the point, although the original materials upon which the differing opinions are formed are of a limited character. . . . In the evidence given before us, opinions were maintained in favour of each of the following principles :—

" That all marriages are indissoluble.

" That Christian marriages are indissoluble.

" That marriage is dissoluble on the ground of adultery only.

" That marriage is dissoluble on the grounds of (1) adultery, or (2) desertion.

" That marriage is dissoluble on other serious grounds based upon the necessities of human life." All that the

Royal Commission said on this point is perfectly true. Christians have never agreed on these matters and it is highly improbable that they ever will. Yet on one matter of supreme importance they universally agree, namely, that in Christian marriage Christians commit themselves by solemn promises before God to the intention of a marriage partnership which shall be unbroken by any factor but death. That is the root of the matter and the experience of the Church down the ages goes to prove that the intention never to part is a strong factor in assuring success in marriage and the foundation of the happiness and security of children.

Clearly for Christians the Church must and does hold up the ideal of fully Christian marriage. A large and increasing number of clergy and ministers give pre-marital instruction. Only about half the marriages made every year take place in churches: the other half are made in register offices. Has the Church a concern for them? Register office marriage contains no clear promise of life-long commitment; the two questions asked by the registrar refer to the presence of impediments, and the consent of the partners. The danger in over-emphasizing the fact that marriage in church is different", is that the standard of civil marriage may decline.

A very important point, and one which could be effectively taken up in the press and brought home to the public by many other means, was made in November in the House of Lords by the Archbishop of Canterbury.[1] He said: " Quite certainly many people civilly married are unaware that they are entering upon a lifelong contract. The words they use do not convey that meaning to them. 'Lawfully wedded wife' means to them simply 'legally registered and therefore mine'. But 'lawful' does in fact mean in this context 'lifelong'. In Halsbury's *Laws of England* it is stated:—

> The only kind of marriage which the English Law recognizes is one which is essentially the voluntary union for life of one man with one woman to the exclusion of all others.

'Lawful' means that in the English law and nothing else, although that lifelong union may be put an end to for some misdemeanour which cancels it. If the State does not mean

[1] Hansard, House of Lords. Vol. 144, No. 8. Nov. 28th, 1946.

that, and if the State attaches to the word ' lawful ' any other meaning than that of ' lifelong ' then it must say so. . . . It seems to me quite intolerable that we should allow the use of a form of words to go on which admittedly vast numbers of people misunderstand." So far no action has been taken to implement the Archbishop's suggestion that the lifelong nature of marriage should be made clear in civil weddings, and it is one to which attention should continue to be directed.

RECONCILIATION

We have referred to public concern at the lack of sufficient facilities for effecting, or at least attempting to effect, reconciliation between married partners seeking divorce. When Mr. Justice Denning and his committee were asked by the Lord Chancellor to make recommendations on speeding up divorce procedure, they were also asked to prepare a third report on reconciliation. This report will probably be published before this News-Letter leaves the press. There are already in being certain facilities for reconciliation. These services need extension and development. They are :—

1. *Probation Officers.* By the Summary Procedure (Domestic Proceedings) Act, 1937, it was recognized that probation officers might be asked by magistrates to see applicants for a summons for a matrimonial offence. This has worked well. The appointment of similar officers attached to Divorce Courts is a possible line of advance, though it is made more difficult by the fear of applicants for divorce lest attempted reconciliation should be construed as collusion. If this can be removed valuable work might be done, not only on reconciliation, but on the question of children, now very inadequately dealt with in the Divorce Courts.

2. *Service welfare organizations*, notably the Soldiers', Sailors' and Airmen's Families Association, have done and are doing work of great value in ironing out some of those causes of marital misunderstandings which, if left to develop, might end in serious breach. During the war the Army and

R.A.F. Legal Aid Scheme effected 27,000 reconciliations (temporary or permanent) from among approximately four times that number of applications for divorce.

3. *The Marriage Guidance Council.* A small body of far-seeing and determined men and women have in three years developed what will undoubtedly be recognized as a new form of social service worthy of considerable financial backing. They have devised on the basis of experience machinery which is capable of expansion to cover the whole country. There are now between thirty and forty marriage guidance clinics in larger towns offering a proper "counselling service" of doctors, ministers and psychologists. In addition about 100 other places have plans in preparation awaiting either suitable accommodation or suitable "counsellors".

The Marriage Guidance Council has now amassed a sufficient experience of what are the underlying causes of marital disharmony, and of the long and exacting clinical methods needed to deal with them to be able to embark upon the training of persons suitable as "counsellors", including probation officers, social welfare workers, clergy and ministers and doctors. Courses are now being held in London. There is no doubt at all that people in trouble will come for help. The largest hope of reducing the number of divorces lies in treating marital disharmonies at an early date.

THE DIVORCED

Whatever can be done for reconciliation there will always remain a hard core of irreconcilable cases, and many of these will pass through the divorce courts.

The Church has a dual task. It has to uphold the standard of Christian marriage and its demands on men and women who profess the faith; at the same time the Church has a concern for all men (all of whom are sinners in one respect or another) and this includes the divorced. Different Churches have evolved different practices. The Roman Catholic Church permits no divorce or remarriage. The Church of Scotland has always permitted the remarriage in

church of the innocent party of divorce proceedings. The Methodist Church has a statement of teaching on divorce. The teaching of the Church of England is found most clearly stated in the resolutions passed in the Upper House of the Convocation of Canterbury, June 2nd, 1938, and in almost identical resolutions passed in the Upper House of the Convocation of York. These include a resolution that no person who has a married partner still living may be married a second time in church and with the use of the marriage service.

Many questions of the greatest complexity are raised by the relationships of the teaching of the Church to the laws of society, questions of such intricacy that only ecclesiastical lawyers and not always even they, are able to disentangle the many strands. One question, however, stands out clearly from many others. Thousands of marriages are passing through the divorce courts. Can all these many war marriages contracted under strain and in haste be counted as true Christian marriages? Since 1857 the Church of England, which is most largely involved in this matter, has lacked the means of making a decision on whether a marriage was a true marriage or null, for in that year administration of the canon law on marriage which had been the business of the ecclesiastical courts passed to the new divorce courts. To replace the ecclesiastical courts by some advisory body which can pronounce the Church's judgment on these matters is a possible next step.

THE SUPPLEMENT

Mr. George Goyder has been associated with Fleet Street for more than fifteen years. He is General Manager of the Newsprint Supply Company, a co-operative organization of the press formed in 1940 to import, ration and distribute newsprint to the British newspapers on a basis of voluntary self-discipline. This self-imposed control on a large industry has worked surprisingly well and still continues.

Mr. Goyder is a member of the Christian Frontier Council.

Kathleen Bliss

THE NEWSPAPERS AND THE PUBLIC

By GEORGE GOYDER

More than 1,500 newspapers are published every week of the year in Great Britain. Less than one-tenth of this number are dailies. Yet in spite of their large number the provincial weeklies consume a mere 14 per cent of the newsprint used by the newspaper press of Great Britain.

Newsprint is the paper on which newspapers are printed. It has recently been described by Lord Layton, the Chairman of the *News Chronicle*, as "politically speaking the most vital product in the world". The world's main sources of supply are the spruce woods of Canada and Scandinavia.

1. THE DISTRIBUTION OF BRITISH NEWSPAPERS

Great Britain has 126 daily newspapers, of which 114 are published in the provinces and 12 in London. The 34 provincial morning and 80 provincial evening newspapers consume only 26 per cent of the available supply of newsprint which, together with the consumption by the provincial weekly newspapers, totals 40 per cent. The remaining 60 per cent is used by the 22 London daily and Sunday newspapers.

These figures provide a measure of the extent of concentration of newspaper power in this country. When we go on to analyse the ownership of the twenty-two newspapers which form the so-called National Press we find that the number of separate concerns is reduced to only twelve, some of which are already deeply entrenched in the provinces in addition to being in a position to dominate a section of the National Press. These facts illuminate the recent decision by Parliament to hold an enquiry by Royal Commission into the "finance, control, management and ownership of the Press".

2. THE CIRCULATION AND INFLUENCE OF NEWSPAPERS

Another approach to the problem of newspaper power is to take the circulation figures of different categories of newspapers.

Thirteen million people buy a national morning newspaper every day ; less than three million buy a provincial morning newspaper. No less than twenty-five million people (more than half the total population of Great Britain) buy a Sunday newspaper, and all but one million of these purchasers choose a newspaper issued from or controlled by one of London's Big Twelve. The sale of a single London Sunday paper—the *News of the World*—exceeds one half that of all the provincial weekly newspapers in the country.

It would, however, be a mistake to confuse numbers with influence. *The Times* wields an influence equal to or greater than that of any of its contemporaries, although its daily sale is less than one-tenth that of the *Daily Express*. The *Manchester Guardian* has an even smaller sale. Yet its foreign influence is probably as great as that of any British newspaper except *The Times*. These two newspapers derive their power from the fact that they are read and quoted by the most active and influential section of the community.

But if numbers are not a safe guide to influence, they are unquestionably the high road to profit, and profit is one of the main reasons for the existence of newspapers. Profitability of newspapers is largely determined by advertising revenue. In 1935 advertising supplied 59 per cent of the total revenue of British newspapers. During the second World War the amount of advertising carried by newspapers was restricted by a Government Order, and the proportion of advertising dropped to 40 per cent of newspaper receipts. But under normal conditions advertising provides at least one-half of the newspapers' revenue. The advertiser naturally seeks newspapers with large sales so that his products may have wide publicity. For him it is numbers which count.

Nor can it be doubted that competition by newspapers for circulation is destructive of high standards in journalism. The appeal to the mass inevitably leads to a lowering of standards under present day conditions. In order to be able to choose the best, we must first be led into a just appreciation, whether it be of books, music, the cinema or the newspapers. Education is a continuous and lifelong process ; it does not stop at school.

If newspapers in order to secure larger sales consistently appeal to what is sensational rather than to what is significant, this must eventually lower the public's capacity for independent judgment and clear thought. We grow by what we feed upon. The trend towards sensationalism is a concomitant of a highly organized and competitive national press pursuing profit as its main objective.

3. THE NATIONAL PRESS

England being a small and compact island with a well-developed system of transport, newspapers printed in London can be delivered by special train and van to most outlying districts by the following day. Thus London newspapers have attained nation-wide distribution. The same can hardly be said of any American daily newspaper. Nor is the press of any other great power, with the exception of Russia, so centralized as that of Britain. The concentration of newspaper power is largely a British phenomenon, in the same way as the concentration of film power is an American phenomenon. But the manner in which these two countries handle their respective problems of press and film will affect not only themselves but the whole democratic world, since the functioning of democracy demands an intelligent and clear-headed public opinion and under to-day's conditions the three most powerful instruments of enlightenment and propaganda are the press, the film and the radio.

For this reason we need to learn all we can about the press and the film industry. At the outset it is to be noted that both press and films are industries ; that is to say, both are run for profit, and by law are owned by the shareholders who invest their savings in the individual companies concerned. In this respect the position of films and press in Britain differ from that of broadcasting. The B.B.C. is a nationally-owned corporation working under a charter conferred by Parliament and having a Board of Governors appointed by the Government for the time being in power. Its objects are not primarily financial, although finance necessarily plays its part in measuring the public's response and thereby the success or failure of the Corporation in attracting the public interest. The decision to vest broadcasting in a single public corporation controlled by the State means that

in this field the social and cultural dangers of unregulated commercial competition are held to be greater at the present time than the possible political danger of a government using the radio monopoly for ends inconsistent with democracy. Yet the political danger is there, and many think it real.

4. RESTRICTIONS ON FREEDOM OF THE PRESS

Monopoly may or may not be appropriate for broadcasting, but it is unthinkable for a democratic press. Truth can only be established in variety and, other things being equal, the greater the variety the greater will be the opportunity for truth to emerge. If democracy is to function we need to have newspapers which are entirely free to express every angle of opinion. How then is the reader to judge whether or not the facts and views he reads in the newspapers are biased? The obvious method is to read more than one newspaper, and this we find taking place on a scale which constitutes a major social phenomenon. Since 1939 the number of newspapers sold in Great Britain has increased by no less than 50 per cent, while the population has remained stationary.

Superficially, we are all free to buy the newspaper of our choice. Actually, this freedom is diminishing steadily. Figures quoted in the recent House of Commons Debate (see Hansard for October 29th, 1946) show that whereas in 1921 there were twelve London morning newspapers there are now only nine. In the same period six London evening newspapers dwindled to three, and forty-five provincial morning newspapers fell to eighteen. Moreover, the Government at present prohibits the starting of new newspapers, with the exception of small journals having a sale of 1,000 copies or less per week. These restrictions on new newspapers are a legacy from the war, and they have been brought about by the scarcity of newsprint. But they are not the only restriction on freedom imposed by newsprint rationing. British newspapers are severely restricted in size. As a result, the sub-editor has to distil into four or six pages what might formerly occupy sixteen or twenty. This involves a major task of selection and discrimination done at high speed like everything connected with newspapers. As all statisticians and lawyers know, selection of facts is more dangerous to truth than deliberate falsehood

because it is less easy to detect. It may be and often is done unconsciously, as the result of a bias of mind. Newsprint rationing is, therefore, a real and potent threat to the free expression of opinion.

A further threat to freedom of the press exists potentially in the demand by influential sections of the National Union of Journalists for a " closed shop " or right to restrict entry into the profession. Negotiations are now in progress with the rival journalists' association which it is to be hoped will result in a compromise whereby journalists may continue to exercise freedom of choice in deciding which organization they join, while at the same time a code of good conduct is established to safeguard the individual members of this exacting profession from inside or outside influences, including undue proprietorial pressure, and to protect the profession as a whole from loss of standing caused by the occasional irresponsible action of individuals bent on attracting public attention by sensational writing or undue intrusion into the privacies of the home. Fortunately journalists as a whole are as responsible in their calling as members of any other profession, but the time has come for some codification of their responsibilities to be undertaken by themselves, analogous to that long practised by doctors, lawyers and accountants.

But however great the outside pressures on the freedom of the press may be—whether from Government, scarcity of raw material, or from the advertiser—the gravest problems of the press are internal and are summed up in the words which form the substance of the direction to the Royal Commission calling upon it to investigate " the finance, control, management and ownership of the press ".

5. THE OWNERSHIP AND CONTROL OF NEWSPAPERS

In attempting to arrive at an understanding of our complex social and economic arrangements we must as Christians ask ourselves where in an organization real responsibility lies and for what purpose the organization exists. These two words, responsibility and purpose, are key words in considering the problem of ownership and control of newspapers. We shall find that newspapers at the present time have no formal responsibility to the community, and their primary purpose with few exceptions is

to return a profit to the shareholder. This situation is implicit in the present form of Company Law. Nearly all British newspapers are incorporated under Companies Acts which trace their origin to the year 1862, when the privilege of limited liability was first given to shareholders. Up to this time shareholders took their full share of risk in an enterprise and were individually liable for its debts. After 1862 the shareholder's liability was restricted to the amount of money he invested in the enterprise. Under the present law shareholders remain the owners of the enterprise, although the risk they run is often less than that run by the workers or by the community at large. The wholesale destruction of amenities by industry and the dereliction of South Wales in the period of depression between the wars are examples of risks run by the workers and the community. Yet the shareholders with their limited risk possess the sole legal right to appoint the directors, and through them to receive and distribute profits, decide policy, and determine the standards and aims set by the organization. How can Mr. John Doe of Tooting, the owner of a £1 share in the *Daily Wail* possibly exercise his duties as part proprietor in a responsible manner? The fact that in most companies the directors are left free by the shareholders to conduct day-to-day policy is no guarantee that they will act responsibly or pursue ends consistent with public welfare. Rather it means that most companies are in practice close oligarchies pursuing financial profit as their objective. We are not yet democrats enough to apply the principles of democracy to our economic arrangements, and this is one reason why nations like Russia look upon us with suspicion. To them, economics rather than politics are the fundamental reality of social life.

If it is true that a newspaper is an essential part of the social organism, having as its objective the instruction of the people in useful knowledge, then the objectives of the newspaper might well be required to be set down in a Trust Deed in such a manner as to remove the control of policy from influence by shareholders, and to vest it instead in an editorial board subject to the terms of the Trust and to the supervision of the Trustees. Three of our outstanding newspapers—*The Times*, the *Observer* and the *Manchester Guardian*—have already taken some steps along these

lines. The advantage of a Deed of Trust is that it provides an objective standard of reference which is actionable in a court. Legal forms cannot of themselves guarantee responsibility but they can and do create the conditions in which men become free to act more or less responsibly according to the framework of the institutions of which they are the servants. To ensure a minimum of responsibility in a framework of order may be said to be the function of law. It may well be, therefore, that the Royal Commission will decide that the best interest of the press demands that newspapers which have reached a certain size and development will, in future, be required to submit articles of trust in addition to the ordinary articles required to qualify for registration under the present Companies Act, which in any case appears inadequate as a means of incorporating organizations having so great a national importance and responsibility as the National Press.

Any control of the Press by the State, whether directly by Parliament or indirectly through an appointed board, must be resisted as incompatible with democracy. On the other hand, newspapers are more than private organizations. In a real sense they belong to the community they serve. For this reason it is to be hoped that other newspapers will follow the lead already given by seeking means of expressing their responsibility to the community in a legal form. The form will necessarily vary with the needs and circumstances of different newspapers or groups of newspapers, but the common underlying principle is that of trusteeship. If the National Press takes voluntary action along these lines it can have nothing to fear either from Parliament or from the public which it has, on the whole, served so well in the past.

Subscriptions—12s. 6d. ($3.00 in U.S.A. and Canada) for one year. 6s. 6d. for six months (Great Britain and Ireland only). Single copies 6d.; reduction for quantities.

Bound Volumes—Vols. II—X (May 1940—Dec. 1945) 8s. 6d. post free, or 7s. 6d. in sets of four or more consecutive volumes.

Indices—Vols I—X (Oct. 1939—Dec. 1945), 1s. each post free.

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THE CHRISTIAN NEWS-LETTER, 20 BALCOMBE STREET, DORSET SQUARE, LONDON, N.W. 1.

Published by Dr. J. H. Oldham for the Christian Frontier Council, and printed in Great Britain by the Church Army Press, Cowley, Oxford.